

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 30, 2008.

Preliminarily, on the "Office Action Summary", as well at page 2 of the Office Action, the Office Action states that the claims elected are 1-20 and 27-33. However, claim 34 should also be included.

Claims 1-34 stand rejected under 35 U.S.C. §112, second paragraph. The applicant has amended the specifically mentioned claims and a few additional ones. The applicant believes, and respectfully submits that the claims, as presently worded, are clear and definite and positively convey the subject matter being claimed. Reconsideration and withdrawal of the rejection of claims 6, 7, 11 and 34 under 35 U.S.C. §112, second paragraph, is accordingly solicited.

Claims 1-5, 8-10 and 12-33 stand rejected on grounds of obviousness over Stone (2007/0016486), in view of Bezos (2008/0167946). Reconsideration is requested in view of the claims herein and the following remarks.

Claims 1, 2, 3, 4 and 27 are the independent claims. Each of these independent claims recites the simultaneous existence of a first seller system and a second seller system. Each of these independent claims implicates a functionality which results from the actual sale of product(s) by, for example, the first seller system. Based on such sale or, in other words, a purchase by a user of a product, the first seller system presents to the user of a mobile terminal of the user, an option to purchase other products, which may be similar to, or have a relationship to the first products purchased.

Furthermore, the claimed electronic purchasing system enables the user to then purchase the second related product(s) from the second seller system and an additional functionality calculates a commission payable to the first seller system, as compensation for what is in effect an advertisement by the first seller system of different products sold by the second seller.

Respectfully, the instant independent claims define unique inventions which are not disclosed, nor suggested in the prior art of record. In fact, conceptually, the system of the present invention is quite novel and unknown, despite the fact that the Internet world is suffused and very knowledgeable about shopping facilitating websites, which comb the worldwide web for various products and present to users options to purchase the same or similar products from a variety of

sellers, often including comparison lists and facilities that enable products to be ranked by function, price, delivery, etc.

The presently claimed inventions are different and quite distinct and unobvious in view of the prior art. They allow a seller, i.e., a merchant, to freely agree to direct customer traffic to other sites, because it provides them with a commission, in addition to the revenue gained from the actual sale of their own products. Logically, a seller normally would not want to direct customers to other businesses. But here the products of the second seller are different and the first seller will not likely lose future sales of its products to a competitor.

Referring to the cited references and to the application of their teachings to the instant claims, the applicant notes at the outset its disagreement with the assertions in the paragraph bridging pages 4 and 5 of the Office Action. Paragraph [0127] of Stone does not describe a system in which a seller has effected a sale of a product and provides information about related products. The cited paragraph specifically states that its referral database 1670 refers buyers to other sources of the “same products, goods or services offered”, but only “when a given Seller cannot meet the wishes or needs of the Buyer”. Therefore, this reference does not meet claim recitations such as in independent claim 1:

“said first seller system transmits order sheet data, in which the information of first product purchased record of each of the users and second product information of said second product(s) relating to said first product(s) purchased by said user are described as combined information, to said mobile terminal of said user, based on the purchase of said first product(s) by said user,” (emphasis added).

Further, the Office Action (at page 4) states (in the first bullet point): “mobile terminals of users having a radio communication function and a short distance communication function (at least paragraph [0039]: cell phones; see also present specification, page 1)” (emphasis added), suggesting that the “short distance communication feature” is disclosed in the prior art. Applicant respectfully disagrees.

In Stone paragraph [0039], a buyer may communicate with an electronic network via the Internet, Intranet or phone service or a laptop computer connected with a wireless modem, etc. Similarly, the first page of the instant specification comments on the use of cell phones in the conventional art.

However, the term “short distance communication function” is defined in the instant specification, for example, at page 54. That phrase does not connote the broad concept of cell phone use, which has no “short distance” limitation. Rather, the short distance communication function 36 involves communication over very short distances, as by using an “Infrared Data Association (IrDA)” functionality and a means using a communication protocol such as the “Bluetooth” communication protocol. Furthermore, contrary to the assertion at the bottom paragraph of page 6 of the Office Action, the introductory pages 1-5 of the instant specification do not describe a system which is defined in independent claims 1, 2, 3, 4 and 27, for at least the reasons noted above.

Insofar as the Office Action turns to Bezos for teaching that “it is known to include transmitting and displaying order information...and calculating and confirming commission payment for a product referral...in a similar environment”, applicant respectfully traverses the assertion that it would then have been obvious to modify the system of Stone to arrive at the systems of the present independent claims.

In fact, Mr. Bezos is the well known founder of the world renowned Amazon Internet or on-line vendor. The Amazon system has established, as part of its business model, associations with a large number of secondary vendors who, in effect, sell their wares through Amazon, by Amazon receiving orders for the secondary vendors. In return, Amazon receives a commission on the sales referred to the secondary vendors.

But nothing in Bezos either teaches directly or suggests that, in the context of the system described by Stone, one should go against the teachings at paragraph [0127] of Stone. Stone is clear. Reference to other vendors should only occur “when a given seller cannot meet the wishes or needs of the buyer”. The present inventions do not consist merely of the feature that a commission is paid for a referral. Therefore, the overall system and concept of the present invention do not exist in the prior art and are not rendered obvious thereby.

Accordingly, the inventions of the independent claims are respectfully submitted to be patentable over the art of record. The remaining claims in the application are all dependent on one or the other of the aforementioned claims and impose further limitations thereon, which places them even further from the prior art. As such, all of the claims in the application are directed to patentable subject matter.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
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Respectfully submitted,



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